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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,175	10/14/2004	Noriyoshi Satoh	37107	1995

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EXAMINER

BALAOING, ARIEL A

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/511,175

Applicant(s)

SATO ET AL.

Examiner

Ariel Balaoing

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/22/2006 has been entered.

Claim Objections

3. Claim 1 is objected to because of the following informalities: line 10 of the claim recites the limitation "a battery housing portion for storing *the* battery". Since a battery has not been disclosed in the claim, the limitation should be written "a battery housing portion for storing a battery". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2-6 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2-6 recite the limitation "the housing". It is unclear if "the housing refers to the battery housing recited in independent claim 1, or to the housing of a portable terminal which is not recited by implied in other dependent claims (see claim 3).

Furthermore, claims 4 and 6 recite the limitation "the information recording medium storage portion". It is unclear as to whether this limitation refers to the first or second information recording medium storage portion.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 4, and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by MORITA (6,954,653 B2).

Regarding claim 1, MORITA discloses a portable terminal (abstract) comprising: a battery attachment portion **210** to which a detachable battery **230** is attached (Figures 2, 3); a first information recording medium storage portion **102, 212** for detachable storing a first information recording medium **130** in which information is recorded toward

a battery attachment portion side, and the first information recording medium storage portion being disposed in adjacent to the battery attachment portion (Figures 2, 3; col. 1, line 46-col. 2, line 12); a battery housing portion **210** for storing a battery (Figure 2, 3), which is constituted by the battery attachment portion and the first information recording medium storage portion (Figure 3), the battery housing portion being covered by a cover member (col. 1, line 60-64; col. 3, line 17-28; as with all cellular telephone, the battery must lock into the main body using either a battery and cover, or battery with a locking mechanism which constitutes a cover); wherein one major surface of the first information recording medium is exposed when the cover member is detached from the battery housing portion (Figure 3; col. 3, line 4-48); wherein a second information recording medium storage portion **101, 202**, for detachable storing a second information recording medium **120**, in which information is recorded, is disposed adjacent to the battery housing portion (Figures 2 and 3); and wherein the second information recording medium storage portion and the battery housing portion are substantially provided in one plane (Figure 2, col. 3, line 41-48; secondary storage portion and battery portion are substantially provide in the A, B plane).

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MORITA further discloses wherein the battery housing portion is provided in a housing of a substantially rectangular parallelepiped, and wherein a second information recording medium storage portion, for storing in a detachable manner an information recording medium in which information is recorded,

is disposed in adjacent to the battery attachment portion along a longitudinal direction of the housing within the housing (Figures 1-3).

Regarding claim 4, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MORITA further discloses wherein each of the information recording medium and the second information recording medium has a substantially rectangular parallelepiped shape, wherein the information recording medium storage portion is disposed in a manner that a longitudinal direction of the information recording medium coincides with a direction orthogonal to the longitudinal direction of the housing, and wherein the second information recording medium storage portion is disposed in a manner that a longitudinal direction of the second information recording medium coincides with the longitudinal direction of the housing (Figures 1-3; col. 2, line 29-65).

Regarding claim 6, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MORITA further discloses wherein the information recording medium storage portion and an input/output portion for inputting and outputting information are disposed in an overlapped manner at a side of the information recording medium opposite to a surface of the information recording medium being exposed (Figure 1; col. 2, line 50-57; as per SIM card specifications, one side of the card contains the electrical contacts for input/output of data).

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over MORITA (6,954,653 B2) in view of NUOVO et al (US 2004/0077391).

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, MORITA does not expressly disclose wherein the housing includes: a first housing; a second housing; and a hinge portion for coupling the first housing and the second housing in a manner capable of being folded. NUOVO discloses wherein the housing includes: a first housing (paragraph 15); a second housing (paragraph 15); and a hinge portion for coupling the first housing and the second housing in a manner capable of being folded (paragraph 15; a clam shell design with a two or more part arrangement able to be rotated relative to each other is disclosed; a first housing, second housing and hinge is inherently necessary when a portable device is designed in such a way). Therefore it would have been obvious to a person of ordinary skill in the art to modify MORITA to include the clam shell design of NUOVO, as the use of clam shell designed mobile terminals are known to provide protection to a display screen as well as reduce the size of a mobile terminal.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over MORITA (6,954,653 B2) in view of KIM (US 6,681,120 B1).

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, MORITA does not expressly disclose wherein the housing has an opening portion for storing the second information recording medium within the second information recording medium storage portion, and wherein the opening portion is covered by an open/close lid in a manner that the lid moves in a

direction orthogonal to a housing direction of the second information recording medium and rotates in a freely closing and opening manner with respect to the housing. KIM discloses wherein the housing has an opening portion for storing the second information recording medium within the second information recording medium storage portion (120A-Figure 1), and wherein the opening portion is covered by an open/close lid in a manner that the lid moves in a direction orthogonal to a housing direction of the second information recording medium and rotates in a freely closing and opening manner with respect to the housing (150, 152, 154-Figure 4). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify MORITA to include an opening in the case for a memory card with a protective covering, as taught by KIM, as both inventions relate to mobile terminal design. Specifically, both inventions enable the use of external memory cards. This is beneficial in that it allows a secure external method of memory card insertion.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

KUBO (6,580,923 B1) – Portable telephone set

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 AM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ariel Balaoing – Art Unit 2617

AB 6/24/6

AB


GEORGE ENG
SUPERVISORY PATENT EXAMINER